

### REMARKS

Claims 8-20, 23-37, 43-51, and 54-56 are pending in this application.

Applicants have amended claims 8, 13, 15, 17-20, 23-30, 34, 36, 43, 45, and 54-56, and have canceled claims 1-7, 21, 22, 38-42, 52, and 53. These changes do not introduce any new matter.

#### Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1, 4-8, 11-18, 21, 23, 27-30, 33-38, 43-45, and 51-56 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno et al.* ("*Kuno*") (U.S. Patent No. US 6,538,242 B1) in view of *Ohkubo* (U.S. Patent No. US 7,136,187 B1). As will be explained in more detail below, the combination of the *Kuno* reference and the *Ohkubo* reference would not have rendered the presently claimed subject matter obvious to one having ordinary skill in the art.

Applicants have amended the independent claims to specify that the image data generating apparatus is "a digital still camera," and to specify that the digital still camera is separated from an image output apparatus, i.e., they are physically separate bodies.

The deficiencies of the *Kuno* reference relative to the claimed subject matter are set forth in detail in Applicants' prior response (see the Amendment mailed April 26, 2007). In support of the obviousness rejection, the Examiner alleges that the *Ohkubo* reference satisfies the "color space information" feature recited in the claims and not shown in the *Kuno* reference. Applicants respectfully traverse the Examiner's obviousness rejection.

The *Ohkubo* reference discloses a so-called color matching technique. More specifically, the *Ohkubo* reference discloses a technique for carrying out color conversion without depending upon monitor characteristics after some steps such as measuring the monitor display colors. In support of the obviousness rejection, the Examiner appears to be equating the claimed "image output characteristics" with the "output characteristics of the

output device” discussed by *Ohkubo*. The *Ohkubo* reference discloses carrying out color conversion with information on the “output characteristics of the output device;” however, *Ohkubo* does not disclose or suggest associating the information on the “output characteristics of the output device” with image data.

Thus, even if the *Kuno* and *Ohkubo* references were to be combined in the proposed manner (a proposition with which Applicants disagree), the result of the combination would not include the feature of designating a particular color space conversion to be carried out on target image data in an image data generating apparatus, e.g., a digital still camera.

Further, the *Ohkubo* reference discloses a technique for preparing a desirable LUT. This technique is not something that one having ordinary skill in the art could readily apply to the *Kuno* reference, which discloses a digital still camera. In particular, the *Ohkubo* reference dynamically performs color matching in a computer system, and none of the applied references provides any technical suggestion of applying this technique to a digital camera. Applicants submit that it is unrealistic to measure colors for each photo shoot using a digital still camera. Moreover, designing a LUT and applying color conversion information are two wholly different undertakings. As such, Applicants submit that one having ordinary skill in the art would not have had any reasonable motivation to apply *Ohkubo* to *Kuno* in the manner proposed by the Examiner.

As noted above, the claims have been amended to specify that image data generating apparatus is a digital still camera. Neither the *Kuno* reference nor the *Ohkubo* reference discloses or suggests the feature of allowing a digital still camera to generate (or obtain) color space information and to associate the color space information with target image data. Thus, even if the proposed combination is deemed to be proper, the combination of the *Kuno* and *Ohkubo* references would not have resulted in each and every feature of the claimed subject matter.

Accordingly, for at least the foregoing reasons, independent claims 8, 13, 15, 17, 28, 30, 34, 36, 38, 43, 45, and 54-56, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Kuno* in view of *Ohkubo*. The dependent claims are likewise patentable under 35 U.S.C. § 103(a) over *Kuno* in view of *Ohkubo* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 2, 3, 9, 10, 19, 20, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Nakajima* (U.S. Patent No. US 6,650,437 B1) (claims 2 and 3 have been canceled herein). Each of claims 9, 10, 19, 20, 31, and 32 depends from one of independent claims 8, 17, and 30. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter specified in independent claims 8, 17, and 30, as amended herein, are set forth above. The *Nakajima* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter. Accordingly, claims 9, 10, 19, 20, 31, and 32 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Nakajima* for at least the same reasons set forth above regarding claims 8, 17, and 30.

Applicants respectfully request reconsideration of the rejection of claims 39 and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Anabuki et al.* ("*Anabuki*") (U.S. Patent No. US 6,441,913 B1) (claim 39 has been canceled herein). Claim 46 depends from claim 45. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter specified in independent claim 45, as amended herein, are set forth above. The *Anabuki* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter. Accordingly, claim 46 is patentable under

35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Anabuki* for at least the same reasons set forth above regarding claim 45.

Applicants respectfully request reconsideration of the rejection of claims 22, 26, 40-42, and 47-50 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Buhr et al.* (U.S. Patent No. 5,528,339) (claims 22 and 40-42 have been canceled herein). Each of dependent claims 26 and 47-50 ultimately depends from one of independent claims 17 and 45. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter specified in independent claims 17 and 45, as amended herein, are set forth above. The *Buhr et al.* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter. Accordingly, claims 26 and 47-50 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Buhr et al.* for at least the same reasons set forth above regarding claims 17 and 45.

Applicants respectfully request reconsideration of the rejection of claims 16, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Parulski et al.* (U.S. Patent No. US 6,310,647 B1). Each of dependent claims 16, 24, and 25 ultimately depends from one of independent claims 15 and 17. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter specified in independent claims 15 and 17, as amended herein, are set forth above. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the claimed subject matter. Accordingly, claims 16, 24, and 25 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Parulski et al.* for at least the same reasons set forth above regarding claims 15 and 17.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 8-20, 23-37, 43-51, and 54-56, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP006).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'Peter B. Martine', with a stylized flourish at the end.

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